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SENATE BILL 1175

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO HEALTH; PROVIDING COURT-ORDERED TREATMENT FOR THE BIOLOGICAL PARENTS OF A BABY BORN WITH FETAL ALCOHOL SYNDROME OR DRUG ADDICTION; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. BIRTH OF DRUG-ADDICTED BABIES--PROCEDURES FOR STERILIZING THE BIOLOGICAL PARENTS OF A BABY BORN WITH FETAL ALCOHOL SYNDROME OR DRUG ADDICTION.--

A. For the purposes of this section:

(1) "department" means the department of health; and

(2) "sterilization" means a medical procedure to deprive a person of the power of reproducing.

B. The department shall design and implement procedures for determining whether a baby is born with fetal

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1 alcohol syndrome or drug addiction and for determining the
2 identities of the biological parents of a baby born with fetal
3 alcohol syndrome or drug addiction.

4 C. If the department determines that a baby is born
5 with fetal alcohol syndrome or drug addiction, the department
6 shall petition the district court for the judicial district in
7 which the biological mother gave birth to a baby born with
8 fetal alcohol syndrome or drug addiction for an order for
9 determining the maternity and paternity of the baby in
10 accordance with the Uniform Parentage Act. The department
11 shall provide the biological parents with notice of the time
12 and place of the hearing. All parties shall have the
13 opportunity to present testimony and to introduce evidence and
14 cross-examine witnesses.

15 D. If the court determines that the persons
16 identified by the department are the biological parents of a
17 baby born with fetal alcohol syndrome or drug addiction, the
18 court shall issue an order to initiate depo-provera
19 contraceptive treatment, or its chemical equivalent, for the
20 biological mother. The contraception order shall include a
21 date by which the treatment shall begin and an order for
22 ongoing contraception treatment. Within two weeks of the
23 scheduled date of each treatment, the biological mother shall
24 provide the department satisfactory proof that the
25 contraception treatment has been completed. The department

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1 shall maintain records identifying each person determined by
2 the court to be the biological parent of a baby born with fetal
3 alcohol syndrome or drug addiction.

4 E. If the court determines that a person identified
5 by the department pursuant to Subsection C of this section is
6 the biological parent of more than one baby born with fetal
7 alcohol syndrome or drug addiction, and if the person was
8 previously subject to an order for contraception treatment or
9 is identified as the biological father of another baby born
10 with fetal alcohol syndrome or drug addiction, the court shall
11 issue an order for permanent sterilization of that person. The
12 sterilization order shall include a date by which the procedure
13 shall be completed. Within two weeks of that date, the person
14 shall provide the court satisfactory proof that the
15 sterilization procedure has been completed.

16 F. The cost of contraception or sterilization
17 procedures ordered pursuant to this section shall be paid by
18 the department.

19 G. A biological parent who fails to comply with the
20 court order for sterilization is guilty of a fourth degree
21 felony. Incarceration ordered under this section shall
22 terminate upon agreement by the biological parent to undergo
23 the court-ordered sterilization procedure, and upon proof
24 satisfactory to the court that such sterilization procedure has
25 been completed.

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